

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6348-CR-FERGUSON

UNITED STATES OF AMERICA, :

Plaintiff, :

v. :

KENNY GARDNER, :

Defendant. :

\_\_\_\_\_:

FILED IN ME  
01 DEC 28 PM 4:27  
CLERK OF DISTRICT COURT  
S.D. FLORIDA

**UNOPPOSED MOTION TO CONTINUE SENTENCING**

Defendant, Kenny Gardner, through counsel, respectfully moves for a continuance of his sentencing date from the currently scheduled date of January 25, 2002, to any date after February 4, 2002, and in support states as follows:

1. Defendant entered a guilty plea in this matter on November 16, 2001. At that time, sentencing was set for January 25, 2002.

2. Counsel is currently scheduled to be on annual leave on a vacation overseas on the scheduled sentencing date. Counsel will be returning on February 2, 2002, and will be available any time after that weekend for a sentencing hearing. Counsel anticipates being able to review the Presentence Investigation Report and file any necessary objections prior to leaving on vacation. In addition, Mr. Gardner is currently cooperating with law enforcement in an effort to earn a sentence reduction for substantial assistance. He is providing assistance in active investigations. Any additional time would be helpful to his efforts.

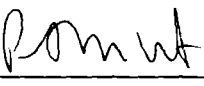
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3. Counsel has spoken with Kathleen Rice, the Assistant United States Attorney handling this case for the government, who has advised that the government has no objection to the granting of the relief requested in this motion.

4. Mr. Gardner is currently incarcerated, but has no objection to the requested brief continuance.

WHEREFORE, the Defendant Kenny Gardner, through undersigned counsel, respectfully requests that the sentencing in this cause be continued until any date after February 4, 2002.

KATHLEEN WILLIAMS  
FEDERAL PUBLIC DEFENDER

By:   
Patrick M. Hunt  
Assistant  
Federal Public Defender  
Attorney for Defendant  
Florida Bar No. 571962  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was mailed/delivered this <sup>n</sup>26 day of December, 2001 to Kathleen Rice, United States Attorney's Office at 299 East Broward Blvd., Ft. Lauderdale, FL 33301.

  
Patrick M. Hunt